

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

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**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**DACARLOS WATKINS,**

**Defendant.**

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**No. 1:18-10053-STA**

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**ORDER**

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Defendant has filed, *pro se*, a “Memorandum in Support of Rule 29 Motion” (DE #60), which the Court construes as a motion to dismiss Count One of the indictment in this case.

This is the second *pro se* pleading the defendant has filed. On August 15, 2019, the Court entered an order (DE #55) denying the defendant’s *pro se* motion for discovery (DE #54), advising the defendant that he may not file motions on his own behalf while he is represented by counsel.

As with the previous motion, this motion is *DENIED* because the defendant is currently represented by counsel and, thus, cannot file motions *pro se*. See 28 U.S.C. § 1654 (“In all courts of the United States the parties may plead and conduct their own cases personally or by counsel ....”); see also *United States v. Toufaily*, 2011 WL 318125, at \*1 (E.D. Mich. Jan. 31, 2011) (reiterating that a criminal defendant is not entitled to represent himself while simultaneously represented by counsel and citing cases that a party may choose either to represent himself or to appear through an attorney).

The Court wishes to emphasize to the defendant that he may not file motions on his own

behalf while he is represented by counsel, and he should not submit any further *pro se* filings. The exception would be if the defendant is unhappy with his attorney's representation, the defendant may file a *pro se* motion to have counsel relieved from his case, in which case the defendant may either ask to represent himself or ask that new counsel be appointed.

The Clerk's Office is directed to mail a copy of this order to the defendant at the address listed on the envelope accompanying his motion (DE #60).

**s/ S. Thomas Anderson**  
S. THOMAS ANDERSON  
CHIEF UNITED STATES DISTRICT JUDGE

Date: October 22, 2019